1		
2		
3		
4		
5		
6		*E-FILED - 5/22/08*
7		
8	UNITED STATES	DISTRICT COURT
9	NORTHERN DISTR	ICT OF CALIFORNIA
10	SAN JOSI	E DIVISION
11	HOLOGIC, INC., CYTYC CORPORATION, and HOLOGIC L.P.,	Case No. C08 00133 RMW (RS)
12	Plaintiffs,	[] STIPULATED SCHEDULING ORDER
13	VS.	Pretrial Conference: June 30, 2008 at 2 p.m.
14	SENORX, INC.,	Trial: July 14, 2008 at 1:30 p.m.
15	Defendant.	
16		
17	AND RELATED COUNTERCLAIMS.	
18		
19		
20 21		
21		
23		
24		
25		
26		
27		
28		
	[] Stipulated Scheduling Order Case No. C08 00133 RMW (RS)	

I. CASE MANAGEMENT SCHEDULE

On May 9, 2008, the Court held the Case Management Conference in the above-entitled matter.

The Court enters the following Scheduling Order:

EVENT	DATE
Initiation of Discovery	April 30, 2008
Initial disclosures	May 9, 2008
Preliminary Infringement Contentions	May 6, 2008
(Patent L.R. 3-1)	
Preliminary Invalidity Contentions	May 21, 2008
(Patent L.R. 3-3)	
Exchange of Proposed Claim Terms for Construction	May 7, 2008
(Patent L.R. 4-1)	
Exchange of Preliminary Claim Construction	May 12, 2008
(Patent L.R. 4-2)	
Opening Claim Construction Briefs (simultaneous)	May 21, 2008
(Patent L.R. 4-5)	
Identification of Experts	May 23, 2008
(name and subject matter of opinion(s) only)	
Reply Claim Construction Briefs (simultaneous)	May 30, 2008
(Patent L.R. 4-5)	
Joint Claim Construction Statement	May 30, 2008
(Patent L.R. 4-3)	
Expert reports (simultaneous exchange by both parties as to infringement and invalidity without regard to burden)	June 4, 2008
Claim Construction Hearing	June ri, 2008 at 2 p.m.
(Patent L.R. 4-3)	
Potential Mediation	June 13, 2008
Close of Discovery	June 25, 2008
Pretrial Conference	Ju n, 2008 at 2 p.m.
Trial (jury)	July 14, 2008 at 1:30 p.n

1	II. DISMISSAL OF NON-PATENT COUNTS
2	Plaintiffs' non-patent Counts Four through Six (federal and state unfair competition counts) of
3	Plaintiffs' Amended Complaint For Patent Infringement, Lanham Act Violations, And State Unfair
4	Competition Seeking Damages and Injunctive Relief filed March 7, 2008 are hereby dismissed without
5	prejudice. Defendant SenoRx, Inc.'s Motion to Dismiss is hereby dismissed as moot.
6	Dated: May 12, 2008 HOWREY LLP
7	By:/s/
8	Katharine L. Altemus
9	HOWREY LLP 1950 University Avenue, 4th Floor
10	East Palo Alto, California 94303
11	Attorneys for Plaintiffs
12	Hologic, Inc., Cytyc Corporation, and Hologic L.P.
13	
14	WILLIAMS & CONNOLLY LLP
15	
16	By: <u>/s/</u> Aaron P. Maurer
17	Bruce R. Genderson Rachael Shanahan Rodman
18	Adam D. Harber
19	WILLIAMS & CONNOLLY LLP 725 – 12th Street, N.W.
20	Washington, D.C. 20005
21	
22	
23	
24	
25	
26	
27	
28	

	WILSON SONSINI GOODRICH & ROSATI
	By:/s/
	By: /s/ F.T. Alexandra Mahaney
	Natalie J. Morgan WILSON SONSINI GOODRICH & ROSATI
	12235 El Camino Real, Suite 200 San Diego, California 92130
	Sun Diego, Cumonna 72130
	Attorneys for Defendant
	SenoRx, Inc.
IT IS SO ORDERED.	
	Romand I Mark of t
DATED: May <mark>22</mark> , 2008	Ronald M. Whyte The Honorable Ronald M. Whyte United States District Court Judge
	United States District Court Judge
[] Stipulated Scheduling Order Case No. C08 00133 RMW (RS)	- 3 -

1	Filer's Attestation
2	I, Katharine L. Altemus, am the ECF User whose identification and password are being used to
3	file this [Proposed] Stipulated Scheduling Order. Pursuant to General Order No. 45, § X(B), I attest
4	under penalty of perjury that concurrence in the filing of the document has been obtained from Aaron
5	P. Maurer.
6	Dated: May 12, 2008
7	Dyr. /a/
8	By: <u>/s/</u> Katharine L. Altemus
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
2627	
28	
20	[] Stipulated Scheduling Order - 4 -

1		
2		
3		
4		
5		<u>*E-FILED - 5/22/08*</u>
6		
7		
8	UNITED STATES	DISTRICT COURT
9	NORTHERN DISTR	ICT OF CALIFORNIA
10	SAN JOSI	E DIVISION
11	HOLOGIC, INC., CYTYC CORPORATION, and HOLOGIC L.P.,	Case No. C08 00133 RMW (RS)
12	Plaintiffs,	[] STIPULATED SCHEDULING ORDER
13	VS.	Pretrial Conference: V nLrNo rfN C C
14	SENORX, INC.,	Trial: July 14, 2008 at 1:30 p.m.
15	Defendant.	•
16		
17	AND RELATED COUNTERCLAIMS.	
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28	[] Stipulated Scheduling Order Case No. C08 00133 RMW (RS)	

CASE MANAGEMENT SCHEDULE

On May 9, 2008, the Court held the Case Management Conference in the above-entitled matter.

The Court enters the following Scheduling Order:

EVENT	DATE
Initiation of Discovery	April 30, 2008
Initial disclosures	May 9, 2008
Preliminary Infringement Contentions	May 6, 2008
(Patent L.R. 3-1)	
Preliminary Invalidity Contentions	May 21, 2008
(Patent L.R. 3-3)	
Exchange of Proposed Claim Terms for Construction	May 7, 2008
(Patent L.R. 4-1)	
Exchange of Preliminary Claim Construction	May 12, 2008
(Patent L.R. 4-2)	
Opening Claim Construction Briefs (simultaneous)	May 21, 2008
(Patent L.R. 4-5)	
Identification of Experts	May 23, 2008
(name and subject matter of opinion(s) only)	
Reply Claim Construction Briefs (simultaneous)	May 30, 2008
(Patent L.R. 4-5)	
Joint Claim Construction Statement	May 30, 2008
(Patent L.R. 4-3)	
Expert reports (simultaneous exchange by both parties as to infringement and invalidity without regard to burden)	June 4, 2008
Claim Construction Hearing	Jankey 3, 22008 xax 22 yx mx
(Patent L.R. 4-3)	June 25, 2008 at 2 p.m
Potential Mediation	June 13, 2008
Close of Discovery	June 25, 2008
Pretrial Conference July 9, 2008 at 2:00 p.m.	June 30, 2008 at 2 p.m.
Trial (jury)	July 14, 2008 at 1:30 p.m.

Stipulated Scheduling Order Case No. C08 00133 RMW (RS)

1	II. DISMISSAL OF NON-PATENT COUNTS
2	Plaintiffs' non-patent Counts Four through Six (federal and state unfair competition counts) of
3	Plaintiffs' Amended Complaint For Patent Infringement, Lanham Act Violations, And State Unfair
4	Competition Seeking Damages and Injunctive Relief filed March 7, 2008 are hereby dismissed without
5	prejudice. Defendant SenoRx, Inc.'s Motion to Dismiss is hereby dismissed as moot.
6	Dated: May 12, 2008 HOWREY LLP
7	By:
8	Katharine L. Altemus
9	HOWREY LLP 1950 University Avenue, 4th Floor
10	East Palo Alto, California 94303 Attorneys for Plaintiffs
11	
12	Hologic, Inc., Cytyc Corporation, and Hologic L.P.
13	
14	WILLIAMS & CONNOLLY LLP
15	D /a/
16	By: <u>/s/</u> Aaron P. Maurer
17	Bruce R. Genderson Rachael Shanahan Rodman
18	Adam D. Harber
19	WILLIAMS & CONNOLLY LLP 725 – 12th Street, N.W.
20	Washington, D.C. 20005
21	
22	
23	
24	
25	
26	
27	
28	

1	1 WILSON SONSINI GOODRICH & ROSA	.TI
2	By: /s/ F.T. Alexandra Mahaney	
3	F.T. Alexandra Mahaney Natalie J. Morgan	
4	4 WILSON SONSINI GOODRICH & ROSA	.TI
5	12235 El Camino Real, Suite 200 San Diego, California 92130	
6	6	
7	7 Attorneys for Defendant SenoRx, Inc.	
8		
9		
10	DATED: May 22, 2008 The Honorable Ronald M. Whyte United States District Court Judge	
11	The Honorable Ronald M. Whyte	
12		
13	3	
14	4	
15	5	
16	6	
17	7	
18	8	
19	9	
20		
21	1	
22		
23	3	
24	4	
25	5	
26		
27		
28		
	[] Stipulated Scheduling Order - 3 - Case No. C08 00133 RMW (RS)	

1	Filer's Attestation
2	I, Katharine L. Altemus, am the ECF User whose identification and password are being used to
3	file this [Proposed] Stipulated Scheduling Order. Pursuant to General Order No. 45, § X(B), I attest
4	under penalty of perjury that concurrence in the filing of the document has been obtained from Aaron
5	P. Maurer.
6	Dated: May 12, 2008
7	\mathbf{p}_{-}
8	By: <u>/s/</u> Katharine L. Altemus
9	
0	
1	
2	
3	
4	
5	
6	
7	
8	
9	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	[] Stipulated Scheduling Order - 4 -